

PUTNAM COUNTY'S NEW ROAD LAW

HOUSE BILL NO. 1305, PRIVATE ACTS OF 1921

CHAPTER 625.

(King of Putnam.)

AN ACT to regulate the working, laying out, extending, maintaining, and building of public roads and to create the office of "County Road Supervisor," "District Road Supervisor," and "County Road Overseer," for said purposes; to define the duties and powers of said offices; to abolish the offices of "County Road Commissioners" and "County Workhouse Commissioners," and to require the County Supervisor and County Judge or Chairman of the County Court to perform the duties with reference to the County Workhouse prisoners, and County Workhouse, heretofore required to be performed by the County Judge, Road Commissioners, and Workhouse Commissioners, and to exercise all the powers, heretofore required of the Workhouse Commissioners, and authorizing said County Supervisor and County Judge, or Chairman of the County Court, to condemn lands for road purposes, and also rock quarries, gravel and chert beds, and rights of way to same, and providing for the payment of same, to provide for the raising and disbursing funds for road purposes, and to provide for the assessment and collection of taxes on all property assessable by the State for a special road fund, and all properties outside of incorporated towns, assessable by the State, for a common road fund, for purposes, and to declare misdemeanors and penalties, and to require reports by all road officials and the County Judge or Chairman of the County Court, the reports to be made to the Quarterly County Court in session; and in general, to define the powers and duties of the County Judge or Chairman of the County Court, County Supervisor, and District Supervisor, in Counties in this State having a population of not less than 22,225, nor more than 22,235 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census; to repeal Chapter No. 672, of the Private Acts of the General Assembly of Tennessee of 1919, being AN ACT, entitled, "AN ACT to amend Chapter 605, Private Acts of 1917, entitled, 'AN ACT to regulate the laying out, extending, and maintenance of a public road system in all Counties in the State having a population of not less than 20,020, nor more than 20,025, according to the Federal Census of 1910, or any subsequent Federal Census; to repeal Chapter No. 605, of the Private Acts of the General Assembly of the State of Tennessee of 1917, as are in conflict with this ACT; to provide for the levy of a special wheel tax on all wheeled vehicles that travel the public roads; to provide a privilege tax for certain wheeled vehicles using the public roads; and to provide for a complete County system of roads."

SECTION 1. Be it further enacted by the General Assembly of the State of Tennessee, that, in Counties of the State of Tennessee, having a population of not less than 22,225 nor more than 22,235, according to the Federal Census of 1920, or any subsequent Federal Census, the public roads of said counties shall be laid out, constructed, and maintained in the way and manner provided in this ACT.

SECTION 2. Be it further enacted, that the office of "County Road Supervisor," herein after designated as "County Supervisor," be, and the same is hereby created. Said County Supervisor shall be appointed by the County Judge, or Chairman of the County Court of such counties, subject to confirmation of the Quarterly County Court of said counties, and shall be not under twenty-five years of age, a competent road builder, with experience in road building, with road machinery, and competent to economically conduct the building, repairing, extending, and widening of the public roads and bridges. He shall also be a practical road builder and organizer, and competent to handle men, and money and material, economically in the building and repairing of roads and bridges. His term of office shall be for a period of two years, subject, however, to removal by the County Judge or Chairman of the County Court for inefficiency, mismanagement, misconduct, misfeasance or malfeasance in office, upon 30 days written notice of his discharge by the County Judge or Chairman of the County Court. Said term of office of said County Supervisor shall begin on the first Monday of October, 1922, and extend over a period of two years, unless removed as above provided, except the first County Supervisor, whose term of office shall begin as soon as practicable after the passage of this Act, and under the provisions hereof, and whose term of office shall expire on the first Monday of October, 1922. The County Road Supervisor shall receive a salary of not less than \$1,500 per annum, nor more than \$2,000, to be fixed by the Quarterly County Court annually, payable monthly, out of the County Road Fund, to be charged against each of the three County Road Divisions, as herein after provided for, in the proportion that each Division Road Fund is to the whole Road Fund of the County, to be paid by warrant of the County Judge or Chairman of the County Court, as fixed by the said Quarterly County Court. Said County Supervisor shall devote his entire time and attention to the duties of his office, and shall provide his own means of transportation and personal expenses in looking after the roads of the County. The first County Supervisor shall be appointed as soon after the passage of this Act as is practicable, and as soon as a proper and suitable person can be procured to fill said office, who shall serve until the first Monday in October, 1922, and until his successor is appointed and qualified; and his salary shall be fixed by said County Judge or Chairman of the County Court until the next term of the Quarterly County Court, when the said Quarterly County Court shall fix his salary at not less than \$1,500 nor more than \$2,000 per annum. This provision shall apply in case of a vacancy in the office of County Supervisor, except in the case of a vacancy or the appointment of the first County Supervisor under this Act, the Quarterly County Court, at its October, 1922, Quarterly session, and annually at its regular session thereafter, shall fix the salary of the said County Supervisor for the ensuing year. Said County Supervisor shall, before entering upon the discharge of his duties, take and subscribe to an oath before the County Clerk, to faithfully, honestly, and to the best of his skill and ability, impartially discharge the duties of his office, and shall execute a good and solvent bond in an amount equal to all moneys that will pass or likely pass through his hands during the term of office, said amount to be fixed by the County Judge or Chairman of the County Court, said bond in no instance to be fixed at a less amount than \$5,000 conditioned that he will faithfully, honestly, and impartially discharge the duties of his office, to the best of his skill and ability, and for the proper accounting for all moneys and funds coming into his hands.

SECTION 3. Be it further enacted, that the County Supervisor shall have general charge and supervision of the laying out, construction, and repair of all the public roads of every kind and character, now existing, or that may hereafter be laid out under the provisions of this ACT, and the construction and repair of all public bridges now existing in the County and all culverts in and along said public roads.

SECTION 4. Be it further enacted, that the office of the County Supervisor shall be at the County seat, and in the County Courthouse.

Said County Supervisors shall make requisition to the County Judge or Chairman of the County Court for all necessary office fixtures, furniture, stationery, printing, forms, advertising, telephone, postage, and other necessary equipment for his office and the effective carrying out of his duties as County Supervisor, all of which shall be paid out of the County Road Fund, upon the warrant of the County Judge or Chairman of the County Court. However, he shall not make any such purchases except upon the approval of the County Judge or Chairman of the County Court.

SECTION 5. Be it further enacted, that said Counties be, and they are hereby, divided into road districts, and each road district shall be made co-extensive with the civil districts of the county, where practicable. That the County Supervisor shall appoint for each Road District a Supervisor, who shall be known as District Supervisor of the roads of the said district, whose term of office shall be for two years, but he may be required to serve only two years out of four consecutive years, and his term of office shall begin on the first Monday in October and end on the first Monday in October, 1922. The District Supervisor shall be twenty-one years of age or over, a resident of the district where he is to act as such District Supervisor; and before entering

upon his duty as such Supervisor, he shall execute a good and solvent bond in a sum equal to the amount of money that will probably pass through his hands during the term of his office, the amount of his bond to be fixed by the County Judge or Chairman of the County Court, such bond to be conditioned that said District Supervisor will properly account for all moneys and property coming into his hands as such District Supervisor and that he will faithfully and honestly discharge the duties of his office; and he will also take and subscribe to an oath in the same form and in the same manner as the County Supervisor, provided for under this ACT, such bond and oath shall be filed with the County Clerk.

Said District Supervisor, under the direction and supervision of the County Supervisor, shall have charge and supervision of the construction, repair, and maintenance of all public roads and bridges of his district; and shall have control and management of all road machinery and tools belonging to said district, or furnished to said district under the provisions of this ACT.

SECTION 6. Be it further enacted, that each Road District shall be laid out into road sections by the County Supervisor, or by the District Supervisor, under the direction and supervision of the County Supervisor, and such sections shall be subject to such changes as the County Supervisor may deem proper; and all road sections, until they are so laid out shall remain as they now are.

Subject to the approval of the County Supervisor, the District Supervisor shall appoint a sectional road overseer for each section of road in his district.

Said overseer shall serve for a term of one year from the first Monday in October, 1921; provided, however, that the term of office of the first overseer appointed under this ACT shall begin on the first Monday in April, 1921, and end on the first Monday in October, 1921, and shall serve until his successor is appointed and qualified. He shall be twenty-one years of age and a resident of the road section over which he is appointed Road overseer.

If any person subject to road duty is appointed Road overseer, he shall serve as such.

No person, however, shall be compelled to serve as overseer more than two years in four consecutive years; but if he shall not desire to serve longer than two years, he shall make such fact known to his District Supervisor ten days before he vacates his office, any person, when appointed, is bound to fill said office, and to faithfully discharge the duties of his office, he shall be guilty of a misdemeanor, and subject to a fine of not less than \$5, nor more than \$25. It shall be the duty of the Road Overseer to see that each and every hand assigned to his section shall put in good and efficient service as such hand, and that any team, wagon, or wagon and team, is required to do good and efficient service, for eight hours of actual labor each day assigned under his direction and control. If such person fails and refuses to so work, the overseer shall discharge such hand or team, and said hand or team, or team, shall be liable for the cost of such unworked time, according to the provisions of this ACT.

The Road Overseer shall have charge of and control of each hand and team, or team and wagon, and all tools assigned to his section, subject to the order and direction of the County Supervisor, or District Supervisor in the absence of orders from the County Supervisor, and shall to all work under the directions and control of the best approved methods of Road construction, and under the rules and direction as laid down by the County Supervisor.

SECTION 7. Be it further enacted, that any district supervisor or overseer shall be subject to removal or dismissal from office by the County Supervisor at any time he deems it proper to do so, without cause, and without further notice other than that he has been discharged.

SECTION 8. Be it further enacted, that the County Supervisor is authorized to fill all vacancies in the office of District Supervisor, and the District Supervisor under the direction of the County Supervisor, is authorized and empowered to remove any overseer from office, without cause, and without further notice than that he is discharged, and to fill vacancies in the office of overseer.

SECTION 9. Be it further enacted, that under the directions and supervision of the County Supervisor and District Supervisor, each overseer shall have supervision and direct control of the working, repairing, and construction of all the public roads in his section.

SECTION 10. Be it further enacted, that each District Supervisor must do and perform all his work in his district, which is necessary for him to do, within ten days of the year, and if he is subject to road duty, he shall receive pay for the six days time which he is required to work the road under the provisions of this ACT; however, he may if he necessarily arises, have four additional days in which to complete his work, for which he shall receive the sum of \$2.50 per day for his services, however, he shall not receive any pay until he has filed his report showing why he did not complete his work within the six days, when, and when Section of road he has put in time in on and the number of hours each day, which shall be itemized and sworn to, and filed with the County Supervisor, who shall certify such to the County Judge or Chairman of the County Court for his approval; and if so approved by him, he will receive the wages on the common Road Funds of the County for payment. However, the said County Supervisor may, if he deems it necessary, call upon the said District Supervisor for his report, when he has served his six days as such District Supervisor, and he shall not receive any pay for extra services except upon the approval of the County Supervisor, and then he shall receive pay for no more than four days. However, when the County Supervisor deems to the best interest of the roads, he may employ such District Supervisor for any number of days necessary to complete any unfinished work, he to be paid such price as the County Supervisor may agree to; and if they do not agree, then the County Supervisor may procure a District Supervisor who shall have all the authority of a regularly appointed District Supervisor.

Be it further provided that in working the roads of such counties, no road overseer, district supervisor, or County Supervisor shall be allowed or permitted to put dirt or other soft substance on the macadamized or other hard surfaced roads, and that they shall be required at all times to keep the roads, rocks, and hard substances removed from and off the surface of such roads.

The County Supervisor may employ an able-bodied man over the age of fifty years, and not subject to road duty, to act as District Supervisor, subject, however, to the approval of the County Judge or Chairman of the County Court, who, when he agrees to act as such District Supervisor, shall be subject to the same rules and directions as a man subject to road duty, and he shall receive compensation as other district supervisors, except that he will not be required to serve any time free of charge, except when he agrees that he is willing to put in six days required of other district supervisors, which shall be stated in his acceptance of the said office.

SECTION 11. Be it further enacted, that the County Supervisor shall have the authority, and is empowered, to make and promulgate all such general rules and regulations for the government and direction of District Supervisors and overseers in the performance of their duties, and in the repair and construction of public roads as he may deem proper, not inconsistent with the provisions of this ACT, and it shall be the duty of the District Supervisors and overseers, and other persons affected thereby, to observe the same.

Said County Supervisor shall have the right and authority to designate when, where, and in what manner work and labor shall be performed in the repair and construction of all the public roads and bridges, and when and where, and in what manner such roads shall be repaired and constructed, provided, however, that when any road is laid out, opened, widened, or changed, in conformity with the provisions of this ACT, it shall be the duty of the County Supervisor to have such new roads changed, constructed, and put in proper repair, within a reasonable time after the same is laid out, opened, widened, or changed, and it is hereby made the duty of the District Supervisor and the Overseers, to carry out the instructions of the County Supervisor as to when, where, and in what manner the public roads of their respective districts and sections shall be worked, repaired, and constructed, the overseer carrying out the instructions of the District Supervisor with regard thereto, in the absence of any general or special instructions communicated to him by the County Supervisor, or otherwise known to him, and until the County Supervisor shall have given instructions as to the time, place, way, and manner the public roads in any district or section shall be worked, repaired, or constructed, the District Supervisor of such District shall have authority, and it is hereby made his duty, to give such instructions to the Overseers of his District; and any District Supervisor who shall willfully fail or refuse to carry out and observe any reasonable rule, regulation, or direction of the County Supervisor as to when, where, and in what manner the public roads of his district shall be worked, repaired, or constructed, shall be guilty of a misdemeanor, and for such offense shall be fined not less than \$5 nor more than \$25 for each such offense;

and any overseer who shall willfully fail or refuse to carry out any reasonable rule, regulation, or direction of the County Supervisor, delivered to him in person, or communicated to him by letter or through the District Supervisor, or any rule, regulation or direction of the County Supervisor, or any provision of this ACT, as to when, where, and in what manner he shall have the public roads of his section worked, repaired, or constructed, shall be guilty of a misdemeanor; and upon conviction therefor shall be subject to a fine of not less than \$5 nor more than \$25 for each offense.

SECTION 12. Be it further enacted, That all tools and machinery intended for and necessary for the proper repair, construction, or rebuilding or working of the road and repairing of the bridges and culverts of the county, shall be purchased by the County Supervisor, with the approval and consent of the County Judge or Chairman of the County Court, no purchases or expenditures, however, to be made by the said County Supervisor, except with the sanction and consent of the County Judge or County Chairman, and the said County Supervisor shall make requisition on the County Judge or Chairman of the County Court for all such necessary expenditures for tools, machinery, etc., and if the said County Judge or Chairman of the County Court does so approve the said expenditures and such purchases made, then the said County Judge or Chairman of the County Court will issue a warrant against the Road Fund of the Division of the county for which such expenditure was made, in payment of the same, however, no expenditure for roads and bridges shall be made in any one year in excess of the amount of the funds due to the account of the roads in said district, except in cases of emergency; provided, however, that the amount that may be left over from the previous year, or previous years may be expended together with the amount due the said road account for any and such said year.

SECTION 13. Be it further enacted, that as soon as practicable the County Supervisor and District Supervisor shall have the rights-of-way of the roads in any of such counties cleared of all obstruction, and cleared of all unnecessary timber on said rights-of-way, and all bushes, briars, weeds, and all other shrubbery which shades the road to such an extent that the sunshine cannot get in, and that prevents the road from properly drying and draining, and shall see that all fences, etc., are removed from said rights-of-way, and that no new ones are built upon said rights-of-way, and that all unnecessary sharp curves are, where practicable, straightened, or widened, so that persons in carriages or vehicles approaching each other may be able to see each other as they approach or meet, and be enabled to pass in safety. It is also made the duty of the said County Supervisor and District Supervisor to see that all dead trees within dangerous proximity to the said roads, and overhanging limbs, are cut and removed, and that any and all other obstructions which prevent the free use of the public highways or that will prevent the proper working and keeping in repair said roads, and any and all other things which are likely to cause the ditches along said roads to unnecessarily become filled up or clogged, thereby preventing the free flow and passage of water in said ditches, are removed.

SECTION 14. Be it further enacted, That no firm, person or corporation shall open, tear up, or dig any ditch or trench in any public road for any purpose, without first obtaining the written consent of the County Supervisor, or District Supervisor, and giving him a bond of sufficient amount to be paid to the County Supervisor, making such application and doing such work, shall restore the road in as good condition as it was before said work was done. And any person, firm, or corporation violating the provision of this section of this Act, shall be guilty of a misdemeanor, and upon conviction therefor shall be fined not less than \$10.00 nor more than \$50.00.

SECTION 15. Be it further enacted, That any person, firm, or corporation, who shall use any vehicle upon any public road, with a rough, locked wheel, or who shall drag or pull any public road any log or logs, stone or stones, with the end or end thereof dragging on the ground, so that the road shall be injured, thereby, shall be guilty of a misdemeanor; and upon conviction therefor, shall be fined not less than \$20.00, nor more than \$25.00 for each such offense.

SECTION 16. Be it further enacted, That on and after the 1st day of January, 1922, there shall not be permitted any gate or gates across any public road kept up by public labor in any such counties of this State; and it shall be the duty of the County Supervisor and District Supervisor to see that any and all such gates are removed from across said public roads after notice has been given to any person, firm, or corporation, keeping and maintaining such gate over or across any such road.

After having been given ten days notice by either the County Supervisor or District Supervisor of the district in which the said gate is located, to remove the said gate or gates, upon failure to so remove said gate or gates, such person, firm, or corporation shall be deemed guilty of a misdemeanor; and upon conviction therefor, shall be fined not less than \$5.00 nor more than \$25.00 for each and every day that such person, firm, or corporation, so fails and refuses to remove said gate or gates from, on, and across said public road.

SECTION 17. Be it further enacted, That the County Court of such counties shall make a levy and collect a tax of not less than two nor more than five cents on the \$100.00, to be levied and collected on all taxable properties in said counties outside of incorporated towns and taxing districts, which shall be used exclusively for the working, repairing, constructing, grading, opening, and widening of the common district roads of such counties, and the paying of the salaries of the County Supervisors, and the purchasing of the necessary small tools necessary for the effective carrying out of the provisions of this ACT; and providing further that said funds so raised by this tax provided for in this ACT, shall be divided among the several districts of the counties as equitably as possible, so as to give to each said district a pro rata of same according to the ratio of its mileage of common roads to the mileage of the common roads of the said county; and said funds shall be kept for the above purposes, and the tax provided for by this section of this ACT shall be collected by the County Clerk, and held as a common road fund and kept separate for this purpose.

SECTION 18. Be it further enacted, That the Quarterly County Courts of the said counties, shall levy and collect, a special tax, of not less than ten nor more than thirty cents on the \$100.00 of all property assessable for taxes by the State of Tennessee in such counties; provided, however, that said County Court shall, in no instance, make a levy of taxes for special road purposes, which will produce a less sum than \$12,000.00 in revenue, to be used for and known as "Special Road Funds," the said "Special Road Funds," derived from taxation on privileges-uniformly levied by the State of Tennessee, and collected as a tax on property, to be divided and apportioned among the three divisions of any such county according to the same ratio upon which the pike funds were prorated under Chapter 112, of the Acts of the General Assembly of Tennessee, of 1909; and it shall be the duty of the County Judge, or Chairman of the county court, to, as near as practicable, keep an account for each of the said three divisions according to amount due each of said divisions, and the expenditures made in each of said divisions, which shall be for the purpose of the repairing, maintaining, constructing, and extending of all macadamized and graded roads, and all other roads in the said counties under the supervision and direction of the County Supervisor; also for the purpose of purchasing necessary road machinery, which shall be known as "County Machinery," such as stone crushers, graders, scrapers, plows, road scarifiers, engines, road rollers, trucks, wagons and any other necessary road machinery, bridges, culverts, bridge timber, gravel or chert beds, stone quarries, teams, and wagons and any other necessary tools, or material for the purpose of repairing, opening, widening, clearing rights-of-way or building or rebuilding the roads of the said counties and for the purpose of hiring labor or teams, provided, however, that the said county, county supervisor, shall furnish to any incorporated town or city within such counties, the reasonable use of the road machinery of the said counties to said incorporated towns or cities, or, so much thereof, as is necessary for the construction and maintenance of any street, in any such incorporated town or city, that is an extension of a public road of the said counties, in, and through, said incorporated town or city, and also a reasonable amount of crushed stone, or gravel, to said town, or city, for the purpose of metalling any such street that is an extension of a public road in or through said incorporated town or city in such counties, and the said county supervisor, when the grading machinery belonging to the county, is not being used by the County Supervisor, or any other of the county machinery is not being used by him, may permit the road authorities of any such incorporated town, or city, to upon a proper contract and agreement with such city, or town authorities, permit them, to use same, for the grading or repairing of any public street in said town or city; and, it is hereby made the duty of the said county supervisor, when he approaches the corporate limits of any town or city, in

any such counties, in the construction of any grade, pike or repair work on any grade or pike, or the extension thereof, or when he is ready and contemplating any such construction of any such road, where he wishes the said work to begin at, or in any such incorporated town, or city, then, he shall give notice to the road or street authorities of such town or city, of such contemplated work, or repair, for the purpose of co-operating with the said town or city authorities in the building, repairing or constructing of such road or street, to the corporate limits of such town or city; and if the street or road authorities of such town or city do not agree to co-operate with him, or fail or refuse to so cooperate in the said contemplated work; then, he is authorized to proceed with said road work outside of the corporate limits of said town, or city, without taking into consideration the necessity of the portion of the road which lies inside the city or town limits.

SECTION 19. Be it further enacted, That any person, firm or corporation, placing any telephone, telegraph, electric light, or power pole, leaves, brushes, brush stumps or other obstruction of any kind whatsoever, in, or near any road, ditch, or any right of way, so that the same interferes with the free passage of water, or in any way interferes with the free use of the public highway, shall be guilty of a misdemeanor; and upon conviction therefor, shall be fined not less than \$10.00 nor more than \$50.00; provided, further, that any person or persons, firm or corporation now having or that may hereafter place, telephone, telegraph or electric or power poles on the rights-of-way of said roads, that in any way damage the said road, or hinder the working or proper repairing of said road, shall be required to remove, or cause to be removed, said poles, at their own expense. Any person, firm, or corporation, after having been given ten days notice in writing by the county supervisor to remove, or cause to be removed, said poles, who fail to remove them, shall be fined not less than \$10.00 nor more than \$25.00 for each and every day that said poles remain on, or in, said road or right-of-way.

SECTION 20. Be it further enacted, That all applications, to open, change, close, or to restore to the public use, any and all public roads in the said counties, shall be made in writing, by petition to the County Supervisor. Said petition shall be signed by not less than five freeholders who shall be affected by said change or opening of said road. Said County Supervisor, within ten days after said petition has been received and filed, shall notify the first named person on said petition, and the land owner or owner, to be affected, or through whose premises the road will be changed, opened, or closed, of the date on which he will go upon the premises and take proof of the damages, and it shall be the duty of the County Supervisor to give notice to the county attorney of such counties that have a regularly employed county attorney, of the time and place of such hearing; and it shall be the duty of the county attorney to accompany the County Supervisor at such time and place, and to attend to and all necessary legal steps that may be necessary in procuring the said legal opening, changing or closing of said road. If any land owner, affected by the proposed change, is a non-resident, then, ten days notice, either written or printed, shall be given to his agent, or attorney residing in the county, which shall constitute legal notice; and, should such non-resident, have no agent or attorney, residing in the county, then, the said County Supervisor shall cause said notice to be published for four weeks in some newspaper, published in said county. Said County Supervisor shall attend at the appointed time and place; and if the proper notices have been given, shall act upon the application, assess the damages against the county, and report his action, to the County Judge or Chairman of the County Court, filing with him with said report, the original petition; notice to land owners, and names of the material witnesses, and it is hereby made the duty of the said county attorney, to prepare all necessary pleadings, notices, and any other legal forms, or, to do, and perform any other legal services necessary for the carrying out of the provisions of any steps necessary under this section, the county Supervisor is hereby required, in assessing the damages to any of said property, to take into consideration, the incidental benefits to any of such said lands, arising from the opening, closing, or changing of any roads provided for under this section. The Judge or Chairman of the county court shall consider the whole matter, and make such orders for opening, changing, closing or restoring to the public the proposed road, as he may deem for the best interest of the county, and shall appropriate a sufficient amount of the road funds, to pay all damages to land owners affected by said change; provided however, that any interested party may appeal within ten days from the decision of the Judge, or Chairman of the county court; That, pending said appeal, the Judge or Chairman of the county court of said counties, is hereby authorized, to execute bond in double the amount of the damages so awarded, in the name of the county, payable to the parties, in interest, to pay such damages as the Circuit Court may award, and to abide by, and perform any other legal services necessary for the carrying out of the judgment of the Circuit Court; and said Judge or Chairman of the County Court will issue a writ of possession to the sheriff of such county, commanding him to put the County Supervisor into the peaceful possession of said right-of-way. Said County Supervisor is authorized, pending the hearing of said case in the Circuit Court upon the execution of the bond herein provided, to proceed with the work of opening, changing, closing or restoring said road.

SECTION 21. Be it further enacted, That said counties shall have the power and right to receive by gift, or acquire by purchase, or condemnation; any lands necessary for rights-of-way for roads, any rock quarries, gravel or chert beds; necessary for the proper repair, construction, and maintenance of the public roads, and for the necessary approaches to any bridge or bridges hereafter to be constructed, together with a right of ingress, or egress, thereto, or from, and said counties shall exercise the rights of eminent domain, which rights shall be exercised by petition by, and through, said county supervisor, with the consent of the County Judge or Chairman of the County Court, filed in the Circuit Court in the name of the county, against the party, or parties affected, and, shall have all the rights, powers, privileges, and authority contained in Sections 1325 to 1348 inclusive, of the Code of Tennessee of 1858.

SECTION 22. Be it further enacted, That any and all expenditures, contracts, for road work, purchases of road machinery, or tools, the letting of contracts for building or repairing bridges, purchase of gravel beds, or chert beds, or rock quarries, contracting for the construction of new roads, or the extension or rebuilding of old roads calling for any expenditure of the road funds of the county, shall be done with the approval of the county Judge or Chairman of the County Court; and any, and all, expenditures of any, and all moneys, of the road fund shall be upon the warrant of the County Judge or Chairman of the County Court, a record of all such proceedings shall be kept by the County Judge or Chairman of the County Court in a well-bound book kept for that purpose, which shall show whether it is an expenditure of the common road fund, or special road fund, and for what district or section of the county the same is chargeable against; and he shall make a quarterly report of such funds, proceedings, to the Quarterly County Court at each regular session thereof. Said report shall show for which district the common road funds are spent, and for which of the three divisions of the county, the special road funds are spent; and he shall also make a summary report annually, showing total amount of receipts and disbursements, apportioned by districts as to the common road funds, the amount spent for tools, material, rights-of-way, etc., and amount spent on the roads for labor, contracts, repairing, constructing, opening, closing, and widening of roads.

SECTION 23. Be it further enacted, That, in the laying out, constructing, and repairing of all public roads in the counties heretofore designated, or that may hereafter be designated, by proper authority, as state roads, or national highways, which may be within the county, and in the maintenance, repair, and construction of which, aid is received from the state, or nation, the County Supervisor shall conform to the reasonable rules and regulations of the state or nation, through its duly constituted authorities, in the construction or repair of such roads, but in the construction or repair of such state or national roads, no preference in the expenditure of money thereon shall be given by the County Supervisor on account of the state, or national highway, unless, a special fund shall be provided by the County Court, or by vote, and appropriated for that purpose by bond issue.

SECTION 24. Be it further enacted, that, it shall be the duty of the County Supervisor to investigate the condition of the State Highway Department, and if he shall find in any instance that road machinery, bridge, or road work, is being done by the State Highway Department, it shall be the duty of the County Supervisor to do so upon the approval of the County Judge or Chairman of the County Court. Said County Supervisor shall also avail himself of the services of the expert bridge, or road engineer of such State Road Department,